

Title 20-A: EDUCATION
Chapter 201: GENERAL PROVISIONS

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Maine Revised Statutes
Title 20-A: EDUCATION
Chapter 201: GENERAL PROVISIONS

§4001. FACILITIES

The following provisions shall apply to school facilities. [1981, c. 693, §§5, 8 (NEW).]

1. Maintenance and repairs. A school administrative unit shall repair, improve and maintain its facilities with funds from its own budget.

[1981, c. 693, §§5, 8 (NEW) .]

2. Erect buildings. A school administrative unit may raise money to erect and equip school buildings.

[1981, c. 693, §§5, 8 (NEW) .]

3. Lease. A school administrative unit may lease facilities and other property.

A. The term of a lease must be at least equal to the period during which similar property of the unit is used. A lease may not exceed a term of 10 years. [1999, c. 81, §2 (AMD).]

B. A lease of classroom space shall provide for its exclusive use by the unit during the period of instruction. A lease may provide for the nonexclusive use of other property, but that property may be used for housing only in emergencies. [1983, c. 485, §20 (AMD).]

C. Leased property shall be considered property of the unit in all respects. [1981, c. 693, §§5, 8 (NEW).]

D. A lease may not be eligible for the state school subsidy unless it is approved by the commissioner before it is signed. [1981, c. 693, §§5, 8 (NEW).]

[1999, c. 81, §2 (AMD) .]

3-A. Long-term leases authorized. Notwithstanding the provisions of subsection 3, paragraph A, the school committee of the Town of Blue Hill is authorized to lease for school purposes, for one or more terms of up to 99 years each, the existing site of the Blue Hill Consolidated School and up to 20 acres of adjacent land and any buildings located thereon, on terms and conditions as may be approved by the Blue Hill School Committee, and during the term or terms of any leases which may be entered into by the Blue Hill School Committee, the leased premises shall constitute school property for all purposes including, without limitation, school construction projects, provided that any school construction projects on the leased premises shall be subject to the requirements of chapter 609 and its successor provisions.

[1989, c. 474, (NEW) .]

4. Financing. School administrative units may, with approval of the legislative body, arrange financing for maintenance of plant and minor remodeling.

[1981, c. 693, §§5, 8 (NEW) .]

5. Capital reserve fund. School administrative units may establish a capital reserve fund for maintenance of plant and minor remodeling.

[1981, c. 693, §§5, 8 (NEW) .]

6. Insurance. School administrative units shall carry fire insurance and allied coverage in the amount of the replacement cost of any school construction project. The commissioner may adjust the amount of coverage required if insurance cannot be obtained at a reasonable cost.

[1981, c. 693, §§5, 8 (NEW) .]

7. Maintenance and capital improvement program. A school administrative unit, including the unorganized territories, shall establish and maintain a maintenance and capital improvement program for all school facilities.

[2013, c. 506, §7 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 485, §20 (AMD). 1989, c. 474, (AMD). 1997, c. 787, §§2,3 (AMD). 1999, c. 81, §§2,3 (AMD). 2013, c. 506, §7 (AMD).

§4002. SCHOOLBOOKS, APPARATUS AND APPLIANCES

The following provisions shall apply to schoolbooks, apparatus and appliances. [1981, c. 693, §§ 5, 8 (NEW).]

1. Free schoolbooks. A school administrative unit shall provide its students with schoolbooks and necessary apparatus and appliances at the expense of the school administrative unit.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. Purchased textbooks. The parent of a student may buy required textbooks for that student's exclusive use.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. Rules. A school board may adopt rules for distributing and preserving schoolbooks, apparatus and appliances provided by the unit.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§4003. WATER SUPPLY

If a school building of a school administrative unit is supplied by a water supply operated by the school administrative unit and which serves only the school buildings under the control of the school board, the water supply shall not be considered a public water supply under Title 22, sections 2651 and 2652. The school board shall ensure that this water supply meets standards set by the Department of Health and Human Services for private water supplies of schools. [1981, c. 693, §§5, 8 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2003, c. 689, §B6 (REV).

§4003-A. HAZARDOUS CHEMICALS

The commissioner shall establish rules governing the purchase and storage of hazardous chemicals in schools. [2005, c. 2, Pt. D, §16 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY

2005, c. 2, §D16 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§4004. FENCING

Schoolhouse lots and playgrounds that require fencing shall be fenced by the municipality or school administrative unit. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§4005. GIFTS

School administrative units may receive and expend gifts for educational purposes. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§4006. CLOSING SCHOOLS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 422, §16 (RP).

§4007. SECRET SOCIETIES PROHIBITED

Secret societies shall be prohibited as follows. [1981, c. 693, §§ 5, 8 (NEW).]

1. Prohibition. Secret fraternities or societies in or associated with public schools shall be prohibited.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. Enforcement. School boards shall enforce this section.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. Penalty. School boards may expel or otherwise discipline any student for failure or refusal to comply with this section.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§4008. PRIVILEGED COMMUNICATIONS

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Client" means a person who has actively sought or is in the process of seeking professional help from a school counselor or school social worker. [1989, c. 396, §1 (AMD).]

B. "School counselor" means a person who is employed as a school counselor in a school setting and who:

- (1) Is certified as a school counselor by the department; or
- (2) Possesses a minimum of a master's degree in an approved program in guidance and counseling. [1981, c. 693, §§5, 8 (NEW).]

C. "School social worker" means a person who is employed as a school social worker in a school setting and who:

- (1) Is licensed as a social worker by the State Board of Social Worker Licensure; or
- (2) Possesses a bachelor's degree and has been granted a conditional license from the State Board of Social Worker Licensure. [1989, c. 396, §2 (NEW).]

[1989, c. 396, §§1, 2 (AMD) .]

2. Privileged communication. A school counselor or school social worker may not be required, except as provided by this section, to divulge or release information gathered during a counseling relation with a client or with the parent, guardian or a person or agency having legal custody of a minor client. A counseling relation and the information resulting from it shall be kept confidential consistent with the professional obligations of the counselor or social worker.

[1989, c. 396, §3 (AMD) .]

3. Exceptions. This section shall not apply to the extent that disclosure of information is necessary:

A. To comply with Title 22, chapter 1071; and [1983, c. 781, §1 (AMD).]

B. To report to an appropriate authority or to take appropriate emergency measure when:

- (1) The client's condition requires others to assume responsibility for the client; or
- (2) There is clear and imminent danger to the client or others. [1983, c. 806, §42 (AMD).]

[1983, c. 806, §42 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5, 8 (NEW). 1983, c. 485, §21 (AMD). 1983, c. 781, §1 (AMD). 1983, c. 806, §42 (AMD). 1989, c. 396, §§1-3 (AMD).

§4009. CIVIL LIABILITY

The following provisions apply to civil liability. [1981, c. 693, §§5, 8 (NEW).]

1. Reasonable force. A teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to:

A. Control the disturbing behavior; or [1981, c. 693, §§5, 8 (NEW).]

B. Remove the person from the scene of the disturbance. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. Exceptions. Subsection 1 shall not apply to the intentional or reckless use of force that creates a substantial risk of death, serious bodily injury or extraordinary pain.

[1981, c. 693, §§5, 8 (NEW) .]

3. Effect on civil liability. This section may not be construed to increase the scope of potential civil liability of a teacher or other person entrusted with the care or supervision of a person for special or limited purposes.

[1981, c. 693, §§5, 8 (NEW) .]

4. Emergency medical treatment. Notwithstanding any other provision of any public or private and special law, any nonlicensed agent or employee of a school or school administrative unit who renders first aid, emergency treatment or rescue assistance to a student during a school program may not be held liable for injuries alleged to have been sustained by that student or for the death of that student alleged to have occurred as a result of an act or omission in rendering such aid, treatment or assistance. This subsection does not apply to injuries or death caused willfully, wantonly or recklessly or by gross negligence on the part of the agent or employee.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5, 8 (NEW).

§4010. PLEDGE OF ALLEGIANCE

A school administrative unit shall allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day in which students are required to attend. A school administrative unit may not require a student to recite the Pledge of Allegiance.

[2011, c. 162, §1 (NEW).]

§4010. Employment reference immunity

(As enacted by PL 2011, c. 397, §1 is REALLOCATED TO TITLE 20-A, SECTION 4011)

SECTION HISTORY

RR 2011, c. 1, §26 (RAL). 2011, c. 162, §1 (NEW). 2011, c. 397, §1 (NEW).

§4011. EMPLOYMENT REFERENCE IMMUNITY

(REALLOCATED FROM TITLE 20-A, SECTION 4010)

An employee of a school administrative unit who discloses information about a former employee's job performance or work record to a prospective employer of the former employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. "Clear and convincing evidence of lack of good faith" means evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information. This section is supplemental to and not in derogation of any claims available to the former employee that exist under state law and any protections that are already afforded employers under state law. [2011, c. 1, §26 (RAL).]

SECTION HISTORY

RR 2011, c. 1, §26 (RAL).

§4012. UNIFORMS WORN BY MEMBERS OF MILITARY AND PUBLIC SAFETY PERSONNEL

A member of the United States Armed Forces, the Maine National Guard or a public safety agency, including but not limited to a firefighter, police officer, emergency medical technician, game warden, forest ranger and park ranger, when visiting a school in that person's official capacity may not be denied access to a publicly supported secondary school or secondary public charter school solely because that person is wearing a uniform. [2013, c. 450, §1 (NEW).]

SECTION HISTORY

2013, c. 450, §1 (NEW).

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